

The Senate Veterans and Military Affairs Committee offered the following substitute to HB 988:

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to state government commissions and other agencies, so as to provide for the establishment of the War of 1812 Bicentennial Commission; to provide for the membership of the commission and the powers and duties of the commission; to provide for expenses subject to available funds; to provide for matters relating to commemorating the historic events that preceded and are associated with the War of 1812; to provide for abolition of the commission; to provide for repeal of the laws relating to such commission and the powers and duties of the commission; to create the War of 1812 Commemoration Commission and provide for its membership, powers, duties, and operations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to state government commissions and other agencies, is amended by adding a new article to read as follows:

"ARTICLE 9

50-12-140.

This article shall be known and may be cited as the 'War of 1812 Bicentennial Commission Act.'

50-12-141.

(a) The General Assembly finds and declares that the War of 1812 was a perilous time in our young nation's history. The war was essentially fought over our nation's sovereign

1 right to free trade and the inviolability of our nation's vessels on the high seas; it serves as
2 a timeless reminder of the vulnerability of Georgia's coastline and land borders to attack
3 by elements of a hostile foreign power. During the war period, July 18, 1812, through
4 February 18, 1815, there were 39 counties in Georgia those being: Baldwin, Bryan,
5 Bulloch, Burke, Camden, Chatham, Clarke, Columbia, Effingham, Elbert, Emanuel;
6 Franklin, Glynn, Greene, Hancock, Jackson, Jasper, Jefferson, Jones, Laurens, Liberty,
7 Lincoln, Madison, McIntosh, Montgomery, Morgan, Oglethorpe, Pulaski, Putnam,
8 Richmond, Screven, Tattnall, Telfair, Twiggs, Warren, Washington, Wayne, Wilkes, and
9 Wilkinson; Emanuel was added on Dec. 10, 1812. Although not designated within the
10 borders of the state, there existed during the war period territory that would eventually be
11 designated as counties of Georgia; in addition to which, new counties were created from
12 existing counties, and some counties whose boundaries were later redefined were the site
13 of historically significant activity during the War of 1812. Among those counties, but not
14 specifically limited to those now mentioned, are: Appling, Bibb, Bleckley, Charlton,
15 Coffee, Crawford, Crisp, Dodge, Dooly, Early, Lee, Monroe, Muscogee, Pierce, Talbot,
16 Taylor, Ware, Wilcox, Worth, and Upson. While not all counties suffered combat, each
17 of the 39 aforementioned counties contributed troops to the state militia; some had
18 fortifications situated within their respective boundaries; and all had militia training
19 grounds. Various regions of Georgia were affected by the War of 1812 in different ways:
20 coastal regions were subject to combat with British forces, British raiding parties, and the
21 interdiction of coastal shipping between the ports of Savannah and St. Marys; beyond Fort
22 Hawkins (the present day City of Macon), Georgia settlers and troops were subject to raids
23 by rebel elements of the Creek nation allied to Great Britain. Georgia territory occupied
24 by British forces included Brunswick, Cumberland Island, Jekyll Island, St. Marys, and St.
25 Simons Island. The same naval and military forces that burned Washington, D.C., and
26 attacked Fort McHenry, inspiring Francis Scott Key to write the poem which became
27 known as the 'Star Spangled Banner,' also invaded Cumberland Island, attacked St. Marys
28 and the Battery at Cantonment Point Petre, and wreaked havoc along Georgia's coast. The
29 final combat between British military forces and American military forces, specifically the
30 Georgia Militia, took place on the St. Marys River, near Coleraine, on February 23, 1815,
31 and the final shots fired in anger between British naval forces and American naval forces
32 in American territorial sea took place in Georgia waters on March 16, 1815, off Wassaw
33 Island.

34 (b) The bicentennial commemoration period offers an excellent opportunity to enhance
35 educational programs, add to the general knowledge of that era, and engender history and
36 heritage based tourism within the state. Therefore, it is in the interest of the state to provide

1 appropriate commemorative activities to maximize public understanding of the meaning
2 of the War of 1812 in the history of Georgia.

3 (c) The purpose of the commission is to ensure a suitable state-wide observance of the War
4 of 1812 by complementing, cooperating with, and providing assistance to the programs and
5 activities of the various counties involved in the commemoration. The commission is to
6 encourage War of 1812 observances that provide an excellent visitor experience and
7 beneficial interaction between visitors and the natural and cultural resources of the various
8 War of 1812 sites. The commission is to engage the state archeologist in compiling an
9 inventory of War of 1812 archeological assets on land and in waters under Georgia
10 jurisdiction or control and work in concert with the appropriate federal government
11 agencies when warranted to accomplish that goal.

12 (d) The commission is also to welcome international involvement in the War of 1812
13 observances; contribute to, coordinate with, participate in, and enhance the activities of the
14 National War of 1812 Bicentennial Commission; foster and promote the protection of War
15 of 1812 resources; and assist in the appropriate development of heritage and history based
16 tourism and economic benefits to the State of Georgia.

17 50-12-142.

18 As used in this article, the term:

19 (1) 'Commemoration' means commemoration of the War of 1812.

20 (2) 'Commission' means the War of 1812 Bicentennial Commission established in this
21 article.

22 (3) 'Commissioner' means the commissioner of natural resources.

23 (4) 'Counties' means those counties mentioned in subsection (a) of Code Section
24 50-12-141, to wit: Appling, Baldwin, Bibb, Bleckley, Bryan, Bulloch, Burke, Camden,
25 Charlton, Chatham, Clarke, Coffee, Columbia, Crawford, Crisp, Dodge, Dooly, Early,
26 Effingham, Elbert, Emanuel, Franklin, Glynn, Greene, Hancock, Jackson, Jasper,
27 Jefferson, Jones, Laurens, Lee, Liberty, Lincoln, Madison, McIntosh, Montgomery,
28 Monroe, Morgan, Muscogee, Oglethorpe, Pierce, Pulaski, Putnam, Richmond, Screven,
29 Talbot, Tattnall, Taylor, Telfair, Twiggs, Ware, Warren, Washington, Wayne, Wilcox,
30 Wilkes, Wilkinson, Worth, and Upson, and includes agencies and entities of each county.

31 (5) 'Qualified resident' means any resident of the State of Georgia with an interest in,
32 support for, and expertise appropriate to the commemoration.

33 50-12-143.

34 (a) The commission shall be composed of 28 members as follows:

(1) Thirteen members shall be qualified residents appointed by the commissioner after consideration of nominations submitted by the county commissioners of Baldwin, Bibb, Camden, Chatham, Crawford, Crisp, Fulton, Glynn, Liberty, McIntosh, Pulaski, Telfair, and Twiggs counties;

(2) Three members shall be qualified residents appointed by the commissioner after consideration of nominations submitted by the mayors of the City of Savannah, City of Macon, and the City of St. Marys;

(3) Three members shall be employees of the Department of Natural Resources appointed by the Governor;

(4) One shall be an employee of the Georgia Department of Defense;

(5) One shall be an employee of the Department of Economic Development, Tourism Division;

(6) One shall be an employee of the University System of Georgia from a department of history;

(7) One shall be an employee of the Department of Education;

(8) Four shall be qualified residents appointed by the commissioner, of whom:

(A) One shall be recommended by the majority leader of the Senate;

(B) One shall be recommended by the minority leader of the Senate;

(C) One shall be recommended by the majority leader of the House of Representatives; and

(D) One shall be recommended by the minority leader of the House of Representatives; and

(9) One member shall be appointed by the commissioner from among individuals with experience in the history of the War of 1812.

(b) Those residents of Georgia nominated by the Governor to serve on the National War of 1812 Bicentennial Commission shall ensure the coordination of efforts by the State of Georgia War of 1812 Bicentennial Commission with the efforts of the National War of 1812 Bicentennial Commission.

(c) The appointments of members of the commission shall be made not later than 120 days after the date of enactment of this article.

(d) A member shall be appointed for the life of the commission.

(e) A vacancy on the commission:

(A) Shall not affect the powers of the commission; and

(B) Shall be filled in the same manner as the original appointment was made.

(f) The commission shall act only on an affirmative vote of a majority of the members of the commission.

- 1 (g) A majority of the members of the commission shall constitute a quorum.
- 2 (h) The commission shall select a chairperson and a vice chairperson from among the
3 members of the commission.
- 4 (i) The commission shall hold its initial meeting no later than 60 days after the date on
5 which all members of the commission have been appointed.
- 6 (j) During the years 2006 through 2011, not less than three times a year the commission
7 shall meet at the call of the chairperson or a majority of the members of the commission.
- 8 (k) During the years 2012 through 2015, not less than two times a year the commission
9 shall meet at the call of the chairperson or a majority of the members of the commission.
- 10 (l) The commission shall:
- 11 (1) Plan, encourage, develop, execute, and coordinate programs, observances, and
12 activities commemorating the historic events that preceded and are associated with the
13 War of 1812;
- 14 (2) Facilitate the commemoration throughout the State of Georgia;
- 15 (3) Coordinate the activities of the commission with appropriate private, city, and federal
16 agencies including, but not limited to, the National Park Service and the federal
17 Department of Defense;
- 18 (4) Encourage civic, patriotic, historical, educational, religious, economic, tourism, and
19 other organizations throughout the State of Georgia to organize and participate in the
20 commemoration to expand the understanding and appreciation of the significance of the
21 War of 1812;
- 22 (5) Provide technical assistance to counties, cities, localities, the Department of Natural
23 Resources, and nonprofit organizations to further the commemoration and
24 commemorative events;
- 25 (6) Subject to available funds, direct the following regional development centers to
26 coordinate the efforts of the participating counties within their respective regions: Coastal
27 Georgia, Central Savannah River, Heart of Georgia, Atlanta Regional Commission,
28 Southeast Georgia, Northeast Georgia, Middle Georgia, Middle Flint Lower
29 Chattahoochee, South Georgia, and Southwest Georgia;
- 30 (7) Subject to available funds, direct the aforementioned regional development centers
31 to provide a calendar of events to the state Departments of Transportation, Economic
32 Development, and Education no later than six months prior to the event date;
- 33 (8) Design, develop, and provide, during the commemoration period January 1, 2012,
34 through May 30, 2015, for the purposes of education and tourism, a website that shall
35 include a calendar of commemoration festivities state wide and an explanation of events
36 preceding and associated with the War of 1812 as it was prosecuted on Georgia soil, in

Georgia waters, and by military and naval units associated with the State of Georgia deployed in other states or territories;

(9) Design, develop, and provide, during the commemoration period January 1, 2012, through May 30, 2015, an exhibit that will travel throughout the state to interpret events of the War of 1812 for the educational benefit of the residents of and tourists to the State of Georgia;

(10) Subject to available funds, direct the state archeologist to produce an inventory of historically significant structures and, upon completion of said inventory, shall execute surveys of sites associated with the War of 1812;

(11) Subject to available funds, direct the state archeologist to produce, with the assistance of a state historian, an inventory of historically significant shipwrecks in Georgia waters and, upon completion of said inventory, shall, with the cooperation of appropriate state and federal agencies, execute surveys of significant shipwrecks associated with the War of 1812 in Georgia waters;

(12) Subject to available funds, direct a state historian to provide not later than July 18, 2011, information relating the location of battlegrounds, fortifications, historic sites, routes, trails, and other places of interest to the State Department of Transportation so that agency may produce a 'War of 1812 Trail' map which shall be made available for the Georgia War of 1812 Bicentennial period: July 18, 2012, through March 16, 2015;

(13) Subject to available funds, direct a state historian to compile for distribution to appropriate state historic sites and Georgia schools a pamphlet including the biographies of notable War of 1812 era Georgians: citizens, military figures, political figures, and namesakes for Georgia counties;

(14) Ensure that the War of 1812 commemorations provide a lasting legacy and long-term public benefit leading to protection of the natural and cultural resources associated with the War of 1812; and

(15) Examine and review essential facilities and infrastructure at War of 1812 sites and enable necessary improvements to enhance and maximize visitor experience at the sites.

(m) The commission shall prepare a strategic plan and annual performance plans for any activity carried out by the commission under this article.

(n) The commission shall have no authority to obligate state funds or to require any unit of state or local government to expend or obligate funds. Where any provisions of this article make any power or duty of the commission subject to availability of funding, such provisions are intended to make the exercise of such power or duty contingent on the commission having received grants, donations, or contract funds sufficient for such purpose.

1 50-12-144.

2 (a) The commission shall submit to the General Assembly an annual report that contains
3 a list of each gift, bequest, or devise to the commission or a member of the commission
4 with a value of more than \$250.00, together with the identity of the donor of each gift,
5 bequest, or devise.

6 (b) Not later than September 30, 2015, the commission shall submit to the commissioner
7 and the General Assembly a final report that includes:

- 8 (1) A summary of the activities of the commission;
9 (2) A final accounting of any funds received or expended by the commission; and
10 (3) The final disposition of any historically significant item acquired by the commission
11 and other properties not previously reported.

12 50-12-145.

13 (a) The commission may:

- 14 (1) Solicit, accept, use, and dispose of gifts or donations of money, services, and real and
15 personal property related to the commemoration;
16 (2) Appoint such advisory committees as the commission determines to be necessary to
17 carry out this article;
18 (3) Authorize any member or employee of the commission to take any action the
19 commission is authorized to take under this article;
20 (4) Use the United States mails in the same manner and under the same conditions as
21 other agencies of the state government; and
22 (5) Make grants to communities, nonprofit commemorative commissions or
23 organizations, and research and scholarly organizations to develop programs and products
24 to assist in researching, publishing, marketing, and distributing information relating to the
25 commemoration.

26 (b) In carrying out this Code section, the commission may:

- 27 (1) Procure supplies, services, and property; and
28 (2) Make or enter into contracts, leases, or other legal agreements.

29 (c) Any contract, lease, or other legal agreement made or entered into by the commission
30 shall not extend beyond the date of termination of the commission.

31 (d) The commission may secure directly from a state agency such information as the
32 commission considers to be necessary to carry out this Code section and, upon request of
33 the chairperson of the commission, the head of the agency shall provide information to the
34 commission.

1 50-12-146.

2 (a) Except as provided in subsection (b) of this Code section, a member of the commission
3 shall serve without compensation.

4 (b) A member of the commission who is an officer or employee of the State of Georgia
5 shall serve without compensation in addition to the compensation received for the services
6 of the member as an officer or employee of the State of Georgia.

7 (c) Subject to available funds, a member of the commission shall be allowed travel
8 expenses, including per diem in lieu of subsistence, at rates authorized for an employee of
9 an agency under the law while away from the home or regular place of business of the
10 member in the performance of the duties of the commission.

11 (d) Subject to available funds, the chairperson of the commission may, without regard to
12 merit system laws, including regulations, appoint and terminate an executive director and
13 such other additional personnel as are necessary to enable the commission to perform the
14 duties of the commission.

15 (e) Subject to available funds, the employment of an executive director shall be subject to
16 confirmation by the commission.

17 (f) Subject to available funds, the chairperson of the commission may fix the compensation
18 of the executive director and other personnel without regard to the provisions of the law
19 relating to classification of positions and general schedule pay rates.

20 (g) At the request of the commission and subject to available funds, the head of any state
21 agency may assign, on a reimbursable or nonreimbursable basis, any of the personnel of
22 the agency to the commission to assist the commission in carrying out the duties of the
23 commission under this article.

24 (h) The assignment of an employee under subsection (g) of this Code section shall be
25 without loss of merit system status or privilege.

26 (i) The commission may:

27 (1) Accept the services of personnel assigned from counties and cities; and

28 (2) Subject to available funds, reimburse counties and cities for the services of assigned
29 personnel.

30 (j) The commission may accept and use such voluntary and uncompensated services as the
31 commission determines necessary.

32 (k) Subject to available funds, the commissioner shall provide to the commission, on a
33 reimbursable basis, such administrative support services as the commission may request.

34 (l) Subject to available funds, the chairperson of the commission may procure temporary
35 and intermittent services at rates for individuals that do not exceed the daily equivalent of
36 the annual rate.

(m) Nothing in this Code section supersedes the authority of the counties or the Department of Natural Resources concerning the commemoration.

(n) Nothing in this article shall be construed to require state appropriations.

50-12-147.

(a) The commission shall terminate on December 31, 2015.

(b) Not later than the date of termination, the commission shall transfer any documents, materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, and exhibits and any materials donated to the commission that relate to the War of 1812 to the Fort Morris (Fort Defiance) State Historic Site.

(c) Any funds held by the commission on the date of termination shall be deposited in the general fund of the treasury.

(d) This article shall stand repealed in its entirety December 31, 2015."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.